

**RECEIVED  
CENTRAL FAX CENTER**

DEC 20 2004

Atty Docket No. 015280 371100US

PTO FAX NO.: 703-872-9306

ATTENTION: Examiner Gebreyesus

Group A + Unit 1652

**OFFICIAL COMMUNICATION  
FOR THE PERSONAL ATTENTION OF  
EXAMINER Gebreyesus**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that the following documents in re Application of RYBAK and NEWTC N, Application No. 09/807,556, filed July 30, 2001 for SELECTIVE TOXICITY OF AMINO-TERMINAL MODIFIED RNASE A SUPERFAMILY POLYPEPTIDES are being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Documents Attached

1. Response to Restriction Requirement
2. Fee Transmittal PTO/SB/17 for 3-month extension @\$1020 (in duplicate)

Number of pages being transmitted, including this page: 5

Dated: December 20, 2004

  
Malinda C. Dagit

**PLEASE CONFIRM RECEIPT OF THIS PAPER BY  
RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, CA 94111-3834  
Telephone: 415-576-0200  
Fax: 415-576-0300

vi

TO/SB/17 (10-04)

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1020

## Complete if Known

Application Number 09/807,556  
 Filing Date July 30, 2001  
 First Named Inventor Susanna, Rybak M.  
 Examiner Name Not yet assigned  
 Art Unit 1633  
 Attorney Docket No. 015280-371100US

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit  
Account  
Number

20-1430

Deposit  
Account  
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	** =		
Multiple Dependent	X =		

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continue)

## 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	880	2253	480	Extension for reply within third month	1020
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unintentional	
1453	1,330	2453	665	Petition to revive - intentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	880	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1808	180	1808	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional independent claim examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)1020

## SUBMITTED BY

Complete if applicable

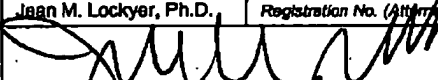
Name (Print/Type) Jean M. Lockyer, Ph.D. Registration No. (Attorney/Agent) 44,879 Telephone 415-576-0200  
 Signature [Signature] Date December 20, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

PTO/SB/17 (10-04)

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2005</h2> <p style="font-size: small; margin: 5px 0;">Effective 10/01/2004. Patent fees are subject to annual revision.</p>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/807,556
		Filing Date	July 30, 2001
		First Named Inventor	Susanna, Rybak M.
		Examiner Name	Not yet assigned
		Art Unit	1633
TOTAL AMOUNT OF PAYMENT (\$)		1020	
		Attorney Docket No.	015280-371100US

METHOD OF PAYMENT (check all that apply)					FEE CALCULATION (continue)																																																																																																																																																																																						
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account:					<b>3. ADDITIONAL FEES</b>																																																																																																																																																																																						
Deposit Account Number: <span style="border: 1px solid black; padding: 2px 20px;">20-1430</span>  Deposit Account Name: <span style="border: 1px solid black; padding: 2px 50px;">Townsend and Townsend and Crew LLP</span>																																																																																																																																																																																											
The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.					<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>430</td><td>2252</td><td>215</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>980</td><td>2253</td><td>490</td><td>Extension for reply within third month</td><td>1020</td></tr> <tr><td>1254</td><td>1,530</td><td>2254</td><td>765</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2,080</td><td>2255</td><td>1,040</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>340</td><td>2401</td><td>170</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>340</td><td>2402</td><td>170</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>300</td><td>2403</td><td>150</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>1453</td><td>1,330</td><td>2453</td><td>665</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1,370</td><td>2501</td><td>685</td><td>Utility issue fee (or notice)</td><td></td></tr> <tr><td>1502</td><td>490</td><td>2502</td><td>245</td><td>Design issue fee</td><td></td></tr> <tr><td>1803</td><td>660</td><td>2503</td><td>330</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>1808</td><td>180</td><td>1808</td><td>180</td><td>Submission of Information Disclosure Sheet</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per number of properties</td><td></td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td>Filing a submission for final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>1802</td><td>900</td><td>1802</td><td>900</td><td>Request for expedited examination of a design application</td><td></td></tr> </tbody> </table>					Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Surcharge - late filing fee or oath		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	430	2252	215	Extension for reply within second month		1253	980	2253	490	Extension for reply within third month	1020	1254	1,530	2254	765	Extension for reply within fourth month		1255	2,080	2255	1,040	Extension for reply within fifth month		1401	340	2401	170	Notice of Appeal		1402	340	2402	170	Filing a brief in support of an appeal		1403	300	2403	150	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use proceeding		1452	110	2452	55	Petition to revive - unavoidable		1453	1,330	2453	665	Petition to revive - unintentional		1501	1,370	2501	685	Utility issue fee (or notice)		1502	490	2502	245	Design issue fee		1803	660	2503	330	Plant issue fee		1460	130	1460	130	Petitions to the Commissioner		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		1808	180	1808	180	Submission of Information Disclosure Sheet		8021	40	8021	40	Recording each patent assignment per number of properties		1809	790	2809	395	Filing a submission for final rejection (37 CFR § 1.129(a))		1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))		1801	790	2801	395	Request for Continued Examination (RCE)		1802	900	1802	900	Request for expedited examination of a design application	
Large Entity		Small Entity		Fee Description						Fee Paid																																																																																																																																																																																	
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																								
1051	130	2051	65	Surcharge - late filing fee or oath																																																																																																																																																																																							
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet																																																																																																																																																																																							
1053	130	1053	130	Non-English specification																																																																																																																																																																																							
1812	2,520	1812	2,520	For filing a request for ex parte reexamination																																																																																																																																																																																							
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action																																																																																																																																																																																							
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action																																																																																																																																																																																							
1251	110	2251	55	Extension for reply within first month																																																																																																																																																																																							
1252	430	2252	215	Extension for reply within second month																																																																																																																																																																																							
1253	980	2253	490	Extension for reply within third month	1020																																																																																																																																																																																						
1254	1,530	2254	765	Extension for reply within fourth month																																																																																																																																																																																							
1255	2,080	2255	1,040	Extension for reply within fifth month																																																																																																																																																																																							
1401	340	2401	170	Notice of Appeal																																																																																																																																																																																							
1402	340	2402	170	Filing a brief in support of an appeal																																																																																																																																																																																							
1403	300	2403	150	Request for oral hearing																																																																																																																																																																																							
1451	1,510	1451	1,510	Petition to institute a public use proceeding																																																																																																																																																																																							
1452	110	2452	55	Petition to revive - unavoidable																																																																																																																																																																																							
1453	1,330	2453	665	Petition to revive - unintentional																																																																																																																																																																																							
1501	1,370	2501	685	Utility issue fee (or notice)																																																																																																																																																																																							
1502	490	2502	245	Design issue fee																																																																																																																																																																																							
1803	660	2503	330	Plant issue fee																																																																																																																																																																																							
1460	130	1460	130	Petitions to the Commissioner																																																																																																																																																																																							
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)																																																																																																																																																																																							
1808	180	1808	180	Submission of Information Disclosure Sheet																																																																																																																																																																																							
8021	40	8021	40	Recording each patent assignment per number of properties																																																																																																																																																																																							
1809	790	2809	395	Filing a submission for final rejection (37 CFR § 1.129(a))																																																																																																																																																																																							
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																																																																																							
1801	790	2801	395	Request for Continued Examination (RCE)																																																																																																																																																																																							
1802	900	1802	900	Request for expedited examination of a design application																																																																																																																																																																																							
<b>1. BASIC FILING FEE</b>					<b>2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE</b>																																																																																																																																																																																						
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1001</td><td>760</td><td>2001</td><td>385</td><td>Utility filing fee</td><td></td></tr> <tr><td>1002</td><td>350</td><td>2002</td><td>175</td><td>Design filing fee</td><td></td></tr> <tr><td>1003</td><td>550</td><td>2003</td><td>275</td><td>Plant filing fee</td><td></td></tr> <tr><td>1004</td><td>790</td><td>2004</td><td>395</td><td>Reissue filing fee</td><td></td></tr> <tr><td>1005</td><td>160</td><td>2005</td><td>80</td><td>Provisional filing fee</td><td></td></tr> </tbody> </table>					Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1001	760	2001	385	Utility filing fee		1002	350	2002	175	Design filing fee		1003	550	2003	275	Plant filing fee		1004	790	2004	395	Reissue filing fee		1005	160	2005	80	Provisional filing fee		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Total Claims</th> <th colspan="2">Extra Claims</th> <th colspan="2">Fee from below</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th></th> <th>** =</th> <th></th> <th>** =</th> <th></th> <th>** =</th> </tr> </thead> <tbody> <tr> <td>Independent Claims</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Multiple Dependent Claims</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>					Total Claims		Extra Claims		Fee from below		Fee Paid		** =		** =		** =	Independent Claims							Multiple Dependent Claims																																																																																																																					
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																						
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																								
1001	760	2001	385	Utility filing fee																																																																																																																																																																																							
1002	350	2002	175	Design filing fee																																																																																																																																																																																							
1003	550	2003	275	Plant filing fee																																																																																																																																																																																							
1004	790	2004	395	Reissue filing fee																																																																																																																																																																																							
1005	160	2005	80	Provisional filing fee																																																																																																																																																																																							
Total Claims		Extra Claims		Fee from below		Fee Paid																																																																																																																																																																																					
	** =		** =		** =																																																																																																																																																																																						
Independent Claims																																																																																																																																																																																											
Multiple Dependent Claims																																																																																																																																																																																											
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1202</td><td>18</td><td>2202</td><td>9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>1201</td><td>88</td><td>2201</td><td>44</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>1203</td><td>300</td><td>2203</td><td>150</td><td>Multiple dependent claim, if not paid</td><td></td></tr> <tr><td>1204</td><td>88</td><td>2204</td><td>44</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>1205</td><td>18</td><td>2205</td><td>9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> </tbody> </table>					Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1202	18	2202	9	Claims in excess of 20		1201	88	2201	44	Independent claims in excess of 3		1203	300	2203	150	Multiple dependent claim, if not paid		1204	88	2204	44	** Reissue independent claims over original patent		1205	18	2205	9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (1) (\$) <span style="border: 1px solid black; padding: 0 20px;">1020</span>																																																																																																																																														
Large Entity		Small Entity		Fee Description	Fee Paid																																																																																																																																																																																						
Fee Code	Fee (\$)	Fee Code	Fee (\$)																																																																																																																																																																																								
1202	18	2202	9	Claims in excess of 20																																																																																																																																																																																							
1201	88	2201	44	Independent claims in excess of 3																																																																																																																																																																																							
1203	300	2203	150	Multiple dependent claim, if not paid																																																																																																																																																																																							
1204	88	2204	44	** Reissue independent claims over original patent																																																																																																																																																																																							
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent																																																																																																																																																																																							
SUBTOTAL (2) (\$) <span style="border: 1px solid black; padding: 0 20px;">0</span>					SUBTOTAL (3) (\$) <span style="border: 1px solid black; padding: 0 20px;">1020</span>																																																																																																																																																																																						

SUBMITTED BY				Complete if applicable	
Name (Print/Type)	Jean M. Lockyer, Ph.D.	Registration No. (Attorney/Agent)	44,879	Telephone	415-76-0200
Signature				Date	December 20, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

RECEIVED  
CENTRAL FAX CENTER

DEC 20 2004

I hereby certify that this correspondence is being facsimile  
transmitted to the United States Patent and Trademark Office,  
Fax No. 1-703-872-9306 on 20 Dec 2004

PATENT  
Attorney Docket No.: 015280 371100US  
Client Ref. No.: 1-230-98/0

TOWNSEND and TOWNSEND and CREW LLP

By: Malinda Adafis

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

RYBAK and NEWTON

Application No.: 09/807,556

Filed: July 30, 2001

For: SELECTIVE TOXICITY OF  
AMINO-TERMINAL MODIFIED  
RNASE A SUPERFAMILY  
POLYPEPTIDES

Confirmation No. 9130

Examiner: Kagnew H. Gebreyesus

Technology Center/Art Unit: 1652

RESPONSE TO RESTRICTION  
REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed August 20, 2004, please enter the following remarks. Enclosed herewith is a fee authorization to extend the time for response for three months.

In response to the restriction requirement, Applicants elect Group I, claims 1-14, drawn to an RNase A superfamily polypeptide selectively toxic to proliferating endothelial cells.

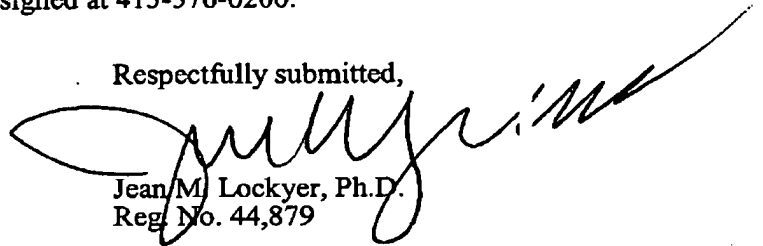
Appl. No. 09/807,556  
Amdt. dated December 20, 2004  
Reply to Office Action of August 20, 2004

PATENT

The foregoing election is made with traverse, as the four groups set forth by the Examiner all stem from a common concept and theory, and are thus related. As such, prosecution of the claims of Groups I-IV would not place a substantially greater burden on the Examiner. Applicants therefore respectfully request that the Examiner withdraw the Restriction Requirement and consider all the claims together.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Jean M. Lockyer, Ph.D.  
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
Attachments  
JML:jml  
60382343 v1